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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

10
11 DATA CAPITAL CORPORATION, a
California Corporation,

12 Plaintiff,

13 v.

14 SAFEDesk SOLUTIONS, INC., an Oregon
15 Corporation; PHIL AUTREY, an individual;
DOES 1 through 25, inclusive,

16 Defendants.
17

Case No. C 08-00678 HRL

**DEFENDANTS' DECLINATION TO
PROCEED BEFORE A MAGISTRATE
JUDGE AND REQUEST FOR
REASSIGNMENT TO A UNITED
STATES DISTRICT JUDGE**

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1 **REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

2 The undersigned parties hereby decline to consent to the assignment of this case to a
3 United States Magistrate Judge for trial and disposition and hereby request the reassignment of
4 this case to a United States District Judge.

5 DATED: January 29, 2008

COBLENTZ, PATCH, DUFFY & BASS LLP

7 By: _____

8 Clifford E. Yin
9 Attorneys for Defendants
10 SafeDesk Solutions, Inc.
11 and Phil Autrey
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of San Francisco, State of California. My business address is One Ferry Building, Suite 200, San Francisco, California 94111-4213.

On January 29, 2008, I served true copies of the following document(s) described as

- **DEFENDANTS' DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

on the interested parties in this action as follows:

Julian Pollok
Law Offices of Julian A. Pollok,
A Professional Corporation
1000 Wilshire Boulevard, Suite 620
Los Angeles, California 90017-2463
Telephone: (213) 688-7795
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☒ **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Coblentz, Patch, Duffy & Bass LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on January 29, 2008, at San Francisco, California.


Debra L. Singleton